



RECEIVED
MAY 12 2023

TOWN OF AYER
TOWN CLERK



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/12/2023

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: YES

All Public Hearings are opened under the Wetlands Protection Act (MCL Ch. 131, section 40)
and under the Ayer Wetlands Bylaw (Article XXVI), unless otherwise noted

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - G. Bacon moved to accept the minutes for 12/8/2022 as written; M. Phillips 2nd.
 - Motion approved unanimously.
- **Public Input**
 - None received.
- **Public Hearing (cont'd.): Request for Abbreviated Notice of Resource Area Delineation (ANRAD) – Orion Park, LLC, 1 Orion Park Drive (off Westford Road), MassDEP # 100-0481**
 - Assessor's Map 7, Parcels 5, 7, 36, 37 & 38
 - Matthew Varrell, of Lucas Environmental, was present on behalf of the applicant.
 - ConCom members and Agent did a site visit on Saturday, 1/7/2023, to review the wetland flagging by Lucas Environmental done on July 15, 2022.
 - Because the July flagging was done outside of the vernal pool identification period, and Lucas has tagged a potential vernal pool in the central portion of the study area (Wetland A), the Order for the ANRAD will include a note that any future permits for work on the site should include requiring the certification of the potential vernal pool to be completed.
 - G. Bacon moved to approve the application and issue an ORAD (Order of Resource Area Delineation) with the above noted condition; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
 - G. Bacon moved to close the Public Hearing for 100-0481; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Discussion: Greenway Committee**
 - As previously discussed at ConCom's 12/8/2022 meeting, ConCom is interested in seeing if a volunteer Greenway Committee can be revived to manage the Pine Meadow Conservation Land trails, etc.
 - Andrew Sealey and Kathleen Cachel, of 4 Mountain View Avenue, have expressed interest and were present.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/12/2023

- G. Bacon described what the old Greenway Committee – more an informal volunteer social club at the time (akin to friends of the library) – did when it still had active volunteer interest.
 - It included laying out trails, annual trail maintenance, guided walks with local birdwatchers, and attempts at fundraising.
- To restart a Greenway Committee, H. Hampson will contact the Town Manager's office to see if such a committee would need formal appointment now, and if the Town has liability issues.
- Ms. Cachel asked about tools for trail maintenance, including clearing big trees down across trails.
 - H. Hampson said for the big stuff, the DPW would traditionally be contacted.
- As was previously noted, the Community Preservation Committee (CPC) could be applied to for a grant to fund trail markers, new kiosk signs, benches, etc.
 - H. Hampson also said some improvements might be attractive Eagle Scout projects.
 - J. Gugino later remembered that the Year-End Report from Water & Wetlands for the 2022 pond management program had included a recommendation for signage at boat put-in areas on Pine Meadow Pond, warning of the importance of ensuring that boats are clean in order to prevent the introduction of new invasives (i.e. water chestnuts).
- The next step is for H. Hampson to follow up with the Town Manager's office/Select Board.
 - G. Bacon also recommended that Steve Smith (who is the steward for the Autumn Ridge Conservation Restriction) be contacted as he was very involved with the previous Greenway Committee and could provide valuable guidance.
- **Discussion: Ayer Solar II Conservation Restriction (CR)**
 - Rohit Garg, of Ayer Solar II LLC, and Attorney Adam Costa, of Mead, Talerman & Costa, were present.
 - A draft of the CR, previously requested by H. Hampson, was circulated.
 - The draft included reviewer comments from the State.
 - The draft used the State's May 2018 revised model CR template as its basis.
 - The State reviewer indicated that once the Town (ConCom and Select Board) have approved the draft, then any revisions should be sent back to the State for their final approval.
 - Some discussion took place over Section II.A – Prohibited Acts and Uses.
 - The draft included an addition prohibiting "Signage advertising public access," which was questioned by the State reviewer given that "Public Access" was identified specifically earlier in the document as a Conservation Value.
 - Mr. Costa said that since parking for public access was not being provided, they had not planned on signs.
 - However, the previous Conservation Agent (Jo-Anne Crystoff) had also suggested signs at two locations, one at an access point off Pleasant Street, and a



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/12/2023

second at the back of the Panther Place subdivision (off Washington Street), where a CR for that development will directly abut the Solar II CR.

- Among other things, this would let hikers know they are not trespassing.
 - Mr. Costa distributed a map showing the rough locations of those two signs, and indicated they will remove this prohibition.
- It was also noted that a sign indicating public access to the CR trail off of Washington Street, by the new access driveway to the Solar II array, is not feasible.
 - The driveway to the array is not for public access, nor is there a feasible access point to the CR land elsewhere on Washington Street given the very steep drop-off from the road.
 - In addition, the public cannot be 'invited' onto the private property of the utility easement located there as well.
- H. Hampson will contact the Town Manager's office to ascertain if Town Counsel review of the draft is necessary in order to move forward.
 - She will also contact Joe Levine, the developer of the Panther Place subdivision, to coordinate the Solar II public access sign at that location with the Panther Place signage, so that the signs match.
 - Mr. Levine has already had the trails on his CR roughed in.
- **Discussion: Request for Quotes (RFQ) for 2023 annual pond maintenance program**
 - Members reviewed the draft RFQ and made a few minor edits.
 - The RFQ should also add in seeking a quote for detecting and/or treating a toxic blue-green algae bloom, as was experienced in Sandy Pond in late summer 2022 and were it to occur again.
 - The RFQ can use language used in Water & Wetlands Year End Report for this.
 - H. Hampson will issue the RFQ, which sets a March 6, noon, deadline for the submission of Quotes.
- **Conservation Commission Office and Member Updates**
 - Ayer Solar II, MassDEP # 100-0444
 - A new contractor is now involved on the site and is working on cleaning the site up, grading, and laying rock down.
 - H. Hampson reported that the site is vastly improved from the previous week.
 - She also described the stream-crossing culvert where the stone wall had partially collapsed recently.
 - Some sediment entered the stream from this collapse and H. Hampson has asked Mr. Garg to have this cleaned out as well as repairs to the erosion controls.
 - The approved plans for the culvert stream crossing included a metal wall on both sides of the culvert.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/12/2023

- Contrary to the plans, no metal wall was installed and instead a rock wall was built that extended on only the right side of the culvert, and this in turn was never reinforced with backfill.
 - Attempts are being made now to build it the way it was supposed to have been done in the first place.
 - H. Hampson is inspecting the site weekly, and is also keeping other relevant departments in the loop on this project (Planning Board, Fire Department, DPW, Building Commissioner).
- National Grid substation project, MassDEP # 100-0476
 - H. Hampson was contacted about a minor change to this project, wherein 2 existing poles inside the 50-100 ft. buffer zone have been found to need replacement.
 - Previously the Commission approved an identical change back in March 2022.
 - H. Hampson will go ahead and authorize this as a minor change.
- Shed construction in buffer zone to Flannagan Pond
 - J. Schmalenberger had contacted the office regarding the construction of a shed ongoing, which H. Hampson confirmed is in the buffer zone.
 - No foundation is being constructed so no permit is needed from the Building Commissioner.
 - Similarly, no digging is taking place so this work can be handled through ConCom's Administrative Approval process.
 - H. Hampson noted that some towns, like Littleton, don't allow the storage of hazardous materials inside sheds within the buffer zone, to prevent run-off in the case of an equipment leak or spillage.
 - Perhaps ConCom could do something comparable or, for similar instances to this shed, require placing gravel underneath a shed structure.
 - H. Hampson will reach out to some other towns for further information.
- Ayer/Devens Pocket Forest Planting Project
 - A tour of 5-7 potential site locations took place the previous week, through Alan Manoian (Director of Community & Economic Development).
 - At the moment, a pilot pocket forest is planned on East Main Street, by the railroad bridge.
- Cable Advisory Committee
 - A Public Hearing is to be held on Wednesday, January 18, at 6 p.m., at the High School, for the purpose of deciding whether to issue a cable television license to COMCAST (the current provider).
 - Input is also being sought about the Town's future community cable-related needs – for example, having Town meetings streamed live.
 - Town Manager Pontbriand is urging members of Town boards to attend or to submit letters.

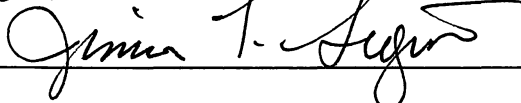


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/12/2023

- Disposition of Devens
 - Mr. Manoian will be holding two public meetings in February, on the topic of future votes as to whether portions of Fort Devens taken from area towns should go back to those towns in 2030.
 - Ayer's portion would include the old airfield and MacPherson Road.
- Waterways Signs Project
 - ConCom received a request for a final report on the signs project for which a community grant was received from the Nashua River Stewardship Council.
 - G. Bacon will send H. Hampson a sample of such a report, from the Historical Commission's recent final report for its Inventory project.
 - H. Hampson will also put together a listing of all of the costs involved with this project.
- Local Wetlands Bylaw Regulations
 - H. Hampson distributed copies of some items from other towns for regulations ConCom can consider adding.
 - She is hoping to schedule a Public Hearing in February.
- "Ayer Commons," Fitchburg Road
 - On the previous night (1/11), the Zoning Board of Appeals finalized its Comprehensive Permit for the Chapter 40B affordable housing project.
 - J. Gugino was able to have language added to the permit that requires input/participation from the Conservation Agent where relevant.
 - As it progresses, this project will also have to come before ConCom for an Order of Conditions as a parking area extends partially into the outer buffer zone, and as installation of the sewer line will have to cross wetlands and an intermittent stream to connect to a sewer main near the end of Isaac Lane.
 - Because this is a 40B project, ConCom's review will be limited only to its jurisdiction under the Wetlands Protection Act, not the local wetlands bylaw.
- **8:16 PM – Adjourn Meeting**
 - G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: 1/24/2023 



Town of Ayer Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-832-2121 ext. 141
Minutes for 12/20/22

- * Disposition of Debris
Mr. Hanson will be holding two public meetings in February on the topic of debris. One as to whether portions of Hwy 1A are in an area that should go back to those towns in 2030.
Ayer's portion would include the old airport and Westborough Road.
- * Historical Sign Project
Commission received a request for a final report on the signs project for which a community grant was received from the Richard B. and Elizabeth C. Gould Foundation. Mr. Hanson will send H. Hanson a sample of such a report from the Historical Commission's recent final report for the highway project.
H. Hanson will also present a listing of all of the costs involved with this project.
- * Local Wetlands Review Resolution
H. Hanson distributed copies of wetlands from other towns for resolution. Commission can consider adding.
She is hoping to schedule a Public Hearing in February.
- * Wetlands Review Resolution
The Commission will (V1) the Working Board of appeals finished its report a previous night (V1) the Working Board of appeals finished its comprehensive report for the Chapter 40B at the whole meeting project.
The Commission will have to have language added to the permit that requires major participation from the Commission and Ayer when a wetlands project is proposed. The project will also have to come before Commission for an order of conditions as a parking area extends partially into the wetlands for some and the installation of the sewer line will have to cross wetlands and an intermittent stream to connect to a sewer main near the end of Main Street.
Because this is a 40B project, Commission will be limited only to its jurisdiction under the Wetlands Protection Act, not the local wetlands by law.

* Adjourn Meeting
Mr. Hanson moved to adjourn Mr. Phillips 2-0.
Motion approved unanimously 2-0.

Minutes Recorded and Submitted by Jessica G. Gagnier, Clerk

Signature of Approver: _____